

EXHIBIT 1

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21 UNITED STATES DISTRICT COURT
22
23 NORTHERN DISTRICT OF CALIFORNIA
24
25 SAN FRANCISCO DIVISION

26 NATIONAL TPS ALLIANCE, *et. al.*,

27 Case No. 3:25-cv-1766-EMC

28 Plaintiff,

v.

KRISTI NOEM, in her official capacity as
29 Secretary of Homeland Security, *et. al.*,

Judge: Hon. Edward M. Chen

Defendants.

DEclaration of KEVIN MARBY

1 I, Kevin Marbray, based upon my personal knowledge and information made known to me in the
2 course of my official employment hereby declare, to the best of my knowledge, information, and belief,
3 as follows relating to the above-captioned matter:

4 1. I am employed with the U.S. Department of Homeland Security (“DHS”), as the Network
5 Operations Security Branch (NOSC) Data Acquisition Manager within the Office of the Chief Information
6 Officer (“OCIO”). I am a member of the DHS NOSC Cyber Data Acquisitions team responsible for the
7 retrieval of data from DHS personnel accounts for litigation purposes. I have held this position since
8 March 2015.

9 2. OCIO uses a standard “OCIO Data Request Form” for all users to request data pulls. On
10 May 12, 2025 at approximately 11:16 am, I received a completed data request form from the Office of
11 General Counsel (OGC) for National TPS Alliance v. Noem, Case No. 25-cv-01766-EMC (the “Initial
12 Request”), asking me to search:

13 a. all emails, calendars, One Drive Folders—which is the cloud equivalent of a hard drive
14 search—and Teams Chats,

15 b. for each of the following DHS HQ custodians: Benjamin C. Huffman, Corey
16 Lewandowski, James Percival, Joseph Guy, Joseph Mazzara, Kristi Noem, Robert Law, Tony Pham,
17 Troup Hemenway, and Troy Edgar;

18 c. that hit on the following search terms (the “Venezuela Search Terms”) and were dated
19 between Jan. 20, 2025 and Feb. 5, 2025:

20 i. [“Temporary Protected Status” or “TPS” or 1254a] AND [Venezuela]

21 ii. [“Temporary Protected Status” or “TPS” or 1254a] AND [“Tren de Aragua” or “Tren de
22 Agua” or TdA]

23 iii. [“Temporary Protected Status” or “TPS” or 1254a] AND [vacat*]; and

24 d. that hit on the following search terms (the “Haiti Search Term”) and were dated between
25 Jan. 20, 2025 and Feb. 24, 2025:

26 i. [“Temporary Protected Status” or “TPS” or 1254a] AND [Haiti].

27 The request also included the following in the cover email: “we need this data pulled ASAP

1 since the court ordered a quite tight deadline of producing documents by next Monday, May 19.”

2 3. I ran the searches and retrieved approximately 175 MB of data (“the May 12th Data
 3 Pull”), which I uploaded to a designated DHS server. I understand that another member of our team
 4 transferred the data to the Department of Justice (“DOJ”) via the Justice Enterprise File Sharing
 5 (“JEFS”) system on May 12, 2025 at approximately 4:45 pm.

6 4. On May 24, 2025 at approximately 1:16 pm, the Office of General Counsel asked me to
 7 double check to ensure that the searches for National TPS Alliance v. Noem were run correctly. Upon
 8 double checking my work, I discovered that during the time of the May 12th Data Pull, our search tool,
 9 Office O365 Purview Standard, was experiencing serious systematic issues and was not running
 10 properly. This impairment of our search tool and the compressed time frame resulted in the following
 11 errors in the May 12th Data Pull:

12 a. Mr. Benjamine C. Huffman’s data was not pulled as a custodian;

13 b. The use of “or” rather than “OR” as search operators erroneously resulted in zero hits for
 14 the MS Teams chat search for the Haiti Search Term; and

15 c. The use of “or” rather than “OR” as search operators erroneously resulted in zero hits for
 16 the Calendar and OneDrive search for the Haiti Search Term.

17 5. On May 25, 2025, I redid the searches for the Initial Request correcting the errors above,
 18 which resulted in approximately 334 MB of cumulative data (May 25th Data Pull). I understand that
 19 another member of our team transferred the data to DOJ via the Justice Enterprise File Sharing (JEFS)
 20 system on May 27, 2025 at approximately 10:00 am.

21 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
 22 correct to the best of my knowledge.

23 Executed on: May 27, 2025

24 KEVIN A
 25 MARBRAY

Digitally signed by KEVIN
 A MARBRAY
 Date: 2025.05.27
 12:03:08 -04'00'

26 Kevin Marbray
 27 Network Operations Security Branch
 28 Data Acquisition Manager, Office of
 the Chief Information Officer,
 Department of Homeland Security